

30643. Sorghum sirup. (F.D.C. No. 51737. S. Nos. 25-965/6 B.)

QUANTITY: 38 cases of 12 4½-lb. cans and 22 cases of 12 2-lb. jars, at Joplin, Mo., in possession of Jerry M. L. Thomas, t/a Jerry's Nursery.

SHIPPED: On 10-6-65 and 10-25-65, from West Monroe, La.

LABEL IN PART: (Case, jar, and can) "Old Mill Sorghum * * * Made for and Distributed by J. M. L. Thomas and Daughter * * * Joplin, Mo. [or "Missouri"]."

RESULTS OF INVESTIGATION: The cases, jars, and cans were shipped unlabeled and labeled by the dealer.

LIBELED: 12-6-65, W. Dist. Mo.

CHARGE: 402(b) (2)—while held for sale, a sweetening substance other than sorghum sirup had been substituted wholly or in part for sorghum sirup; and 403(a)—the label statement "Sorghum" was false and misleading as applied to a product containing a sweetening substance other than sorghum sirup.

DISPOSITION: 1-21-66. Default—delivered to a charitable institution.

30644. Harmon's malt-flavored sirups. (F.D.C. No. 51094. S. Nos. 100-303 A, 100-306/07, 19-226/27 B.)

QUANTITY: 7 cases, each containing 12 1-qt. btls. of Harmon's Instant sirup; 1 case containing 12 1-qt. btls. of Harmon's Instant Portion Control sirup; 17 cases, each containing 4 1-gal. btls. of Harmon's Sweetened and Preserved sirup; and 4 cases, each containing 4 1-gal. btls. of Quik Thik sirup, at Redwood City, Calif.

SHIPPED: Between 6-3-63 and 12-17-64, from Portland, Oreg., by National Distributors and from McCook, Nebr., by Grain Products Corp.

LABEL IN PART: (Btl.) "Harmon's Instant Liquid Malt A Natural Amplifier * * * 100% Malted Barley * * * Mfg. by Grain Prod. Corp. McCook, Neb. Ingredients: Water, Corn Syrup, Malt, 0.1% Potassium Sorbate," "Harmon's Instant Portion Control Liquid Malt. Ingredients: Water, Corn Syrup, Malt, 0.1% Potassium Sorbate * * * Manufactured by Grain Products Corp. McCook, Nebr.," "Harmon's Sweetened and Preserved Liquid Malt * * * Grain Products Co. McCook, Nebraska. Ingredients: Malt Wort, Corn Syrup, Malt Syrup, Malt Flour, 0.1% Potassium Sorbate," and "Quik Thik Instant Portion Controlled Liquid Malt * * * Ingredients: Water, Corn Syrup, Malt, 0.1% Potassium Sorbate * * * Manufactured by Grain Products Corporation McCook, Nebraska."

LIBELED: 3-4-65, N. Dist. Calif.

CHARGE: Harmon's Instant sirup, 403(a)—when shipped, the label bore statements, including the name of the article, "Instant Liquid Malt," which represented and suggested that the article was a liquid malt made from 100% malted barley and that it was a very high energy food; and that it was a natural amplifier, which name and statements were false and misleading as applied to a product consisting of water, corn sirup, malt, and potassium sorbate.

Harmon's Instant Portion Control sirup, 403(a)—when shipped, the name of the article, "Instant Portion Control Liquid Malt," was false and misleading, since the article consisted of water, corn sirup, malt, and potassium sorbate; and 403(f)—the name and place of business of the manufacturer, packer, or distributor, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or de-

vices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

Harmon's Sweetened and Preserved sirup, 403(a)—when shipped, the name of the article, "Sweetened and Preserved Liquid Malt," and the statement, "Liquid Malt" were false and misleading as applied to a product consisting of malt wort, corn sirup, malt sirup, malt flour, and potassium sorbate.

Quik Thik sirup, 403(a)—when shipped, the name of the article, "Quik Thik Instant Portion Controlled Liquid Malt," and the statement, "A high energy food," were false and misleading as applied to a product consisting of water, corn sirup, malt and potassium sorbate.

DISPOSITION: 4-21-65. Default—destruction.

FISH AND SHELLFISH

30645. Frozen ocean perch fillets. (F.D.C. No. 51486. S. Nos. 44-376 B, 44-379 B, 45-721 B.)

QUANTITY: 77 ctns., each containing 5 10-lb. pkgs. of individually cellophane wrapped fish fillets, at Gloucester, Mass.

SHIPPED: The article was from fish caught by the fishing vessel "Natale III," in the waters of the Atlantic Ocean outside the territorial limits of the State of Massachusetts on or about 5-19-65, and prepared and packed by Lucky Fish Co., Inc., Gloucester, Mass., on or about 5-19-65 and 5-20-65.

LABEL IN PART: (Pkg.) "Seacrest Brand Perch Frozen Fillets * * * New England Fillet Co., Inc. 26 Fish Pier, Boston, Mass."

LIBELED: 6-9-65, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods when shipped and while held for sale.

DISPOSITION: 7-22-65. Consent—claimed by New England Fillet Co., Inc., Boston, Mass., and reconditioned, resulting in the destruction of 970 lbs.

30646. Frozen lobster tails. (F.D.C. No. 52244. S. No. 72-736 B.)

QUANTITY: 24 10-lb. ctns. at Rochester, N.Y.

SHIPPED: 9-20-65, from Miami, Fla., by Del-Sea, Inc.

LABEL IN PART: (Ctn.) "Del Sea Brand * * * Rock Lobster Tails * * * Packed by Del-Sea, Inc., Miami, Florida."

LIBELED: 3-15-66, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed lobster tails when shipped.

DISPOSITION: 5-2-66. Default—destruction.

30647. Codfish cakes. (F.D.C. No. 51891. S. No. 45-757 B.)

QUANTITY: 65 cases, each containing 12 8-oz. pkgs., at Watertown, Mass.

SHIPPED: 10-13-65, from Newark, N.J., by J. W. Beardsley's Sons.

LABEL IN PART: (Pkg.) "Beardsley 20 Frozen Bite Size Codfish Cakes. French Fried Quick Frozen * * * J. W. Beardsley's Sons, Mfrs. Newark, N.J."

LIBELED: 11-18-65, Dist. Mass.

CHARGE: 402(a)(3)—contained excessive *E. coli*, excessive coliforms, and excessive total bacteria when shipped.

DISPOSITION: 1-31-66. Default—delivered to a public institution for use as animal feed.